

Filed for intro on 02/10/97
SENATE BILL 529 By
Burks

HOUSE BILL 788
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3,
Part 6, relative to orders of protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by
adding the following as a new section:

Section____.

(a) Any valid protection order related to abuse, domestic abuse, or
domestic or family violence, issued by a court of another state, tribe, or territory
shall be accorded full faith and credit by the courts of this state and enforced as if
it were issued in this state.

(b)(1) A protection order issued by a state, tribal or territorial court related
to abuse, domestic abuse, or domestic or family violence shall be deemed valid if
the issuing court had jurisdiction over the parties and matter under the law of the
issuing state, tribe or territory. There shall be a presumption in favor of validity
where an order appears authentic on its face.

(2) For a foreign protection order to be valid in this state, the respondent
must have been given reasonable notice and the opportunity to be heard before
the order of the foreign state, tribe or territory was issued, provided, in the case

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of ex parte orders, notice and opportunity to be heard must have been given as soon as possible after the order was issued, consistent with due process.

(3) Failure to provide reasonable notice and the opportunity to be heard shall be an affirmative defense to any charge or process filed seeking enforcement of a foreign protection order.

(c) A protection order entered against both the petitioner and respondent shall not be enforceable against the petitioner in a foreign jurisdiction unless:

(1) the respondent filed a cross-or counter-petition, or a complaint or other written pleading was filed seeking such a protection order; and

(2) the issuing court made specific findings of domestic or family violence against the petitioner.

(d)(1) The clerk of the issuing court or the clerk of the court where a foreign order of protection is filed shall send, on a form prescribed by the Tennessee bureau of investigation, a copy of the protection order to such bureau's state of Tennessee orders of protection file so that it is received within twenty-four (24) hours of the entry of an order issued within this state or the filing of a foreign order. The bureau shall enter orders in its orders of protection file within eight (8) hours of receipt.

(2) The state of Tennessee orders of protection file shall be available at all times to inform courts, dispatchers and law enforcement officers of any valid protection order issued within this state or filed as a foreign order for purposes of enforcement in this state.

(e)(1) A petitioner who obtains a valid order of protection in another state, tribe or territory may file that order in this state by presenting a certified copy of the foreign order to a clerk of court in the judicial district where the petitioner believes enforcement may be necessary.

(2) Filing of the foreign order shall be without fee or cost to the petitioner.

(3) The clerk of court shall forward a copy of the foreign protection order to the local police or sheriff's office and the Tennessee bureau of investigation's state of Tennessee orders of protection file upon application of a plaintiff seeking enforcement.

(4) The clerk shall provide the petitioner with a copy bearing proof of filing with the court and entry into the bureau's orders of protection file.

(5) Filing and entry of the foreign order in the bureau's orders of protection file shall not be prerequisites for enforcement of the foreign protection order.

(f) Regardless of whether a foreign order of protection has been filed in this state pursuant to subsection (e) of this section, a law enforcement officer may rely upon a copy of any such protection order which has been provided to the officer by any source and may also rely upon the statement of any person protected by a foreign order that the order remains in effect. A law enforcement officer acting in good faith shall be immune from civil and criminal liability in any action arising in connection with a court's finding that the foreign order was for any reason not enforceable.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.